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8 of the Litigation Practice Group and the
LPG Liquidation Trust

9
10 UNITED STATES BANKRUPTCY COURT
11 CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION

12 In re

Case No. 8:23-bk-10571-SC

Chapter 11

13
14 THE LITIGATION PRACTICE GROUP P.C.,
15 Debtor.

TRUSTEE’S POST-CONFIRMATION
STATUS REPORT

Date: November 6, 2024
Time: 1:30 p.m.
Ctrm: Courtroom 5C – Virtual¹
411 West Fourth Street
Santa Ana, CA 92701

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19 TO THE HONORABLE JUDGE SCOTT C. CLARKSON, UNITED STATES BANKRUPTCY
20 COURT JUDGE AND ALL INTERESTED PARTIES:

21 Pursuant to the Court’s Order (Dk. No. 1646), Richard A. Marshack, in his capacities as
22 Chapter 11 Trustee for the bankruptcy estate of the Litigation Practice Group P.C. (“Debtor”) and as
23 the Liquidating Trustee of the LPG Liquidation Trust (collectively, “Trustee”), respectfully submits
24 this post-confirmation status report (“Status Report”). This Status Report covers developments since
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27 ¹ This hearing date is designated Zoom Only, pursuant to Judge Clarkson’s self-scheduling
28 procedures. Video and audio connection information for each hearing will be provided on Judge
Clarkson’s publicly posted hearing calendar, which may be viewed online at: [http://ecf-](http://ecf-ciao.cacb.uscourts.gov/CiaoPosted/?jid=SC)
[ciao.cacb.uscourts.gov/CiaoPosted/?jid=SC](http://ecf-ciao.cacb.uscourts.gov/CiaoPosted/?jid=SC).

the last status report that was filed on August 15, 2024, as Dk. No. 1512. This Status Report is made pursuant to requirements of Local Bankruptcy Rule 3020-1.

Plan and Effective Date: On August 29, 2024, the Court held a confirmation hearing (“Confirmation Hearing”) on the Modified First Amended Joint Chapter 11 Plan of Liquidation (Dated June 14, 2024) [Dk. No. 1344] (“Plan”). On September 9, 2024, the Court entered an order confirming the Plan, as Dk. No. 1646 (“Confirmation Order”). On September 24, 2024, as Dk. No. 1762, the Trustee filed the Notice of Occurrence of the Effective Date of the Plan, which was September 24, 2024 (“Effective Date”).

1. Progress Made Toward Substantial Consummation of the Plan

a. Administrative Claims

i. Administrative Claim Appeals

On August 27, 2024, the Court denied the administrative expense motions of Han Trinh (Dk. No. 674) seeking \$136,280.56, Phuong (aka Jayde) Trinh (Dk. No. 675) seeking \$114,825.14, and Greyson Law Center, PC (Dk. No. 676) seeking \$5,434,633.00. The Court entered the following Orders denying the administrative claims: Han Trinh (“Han”) as Dk. No. 1548; Phuong (aka Jayde) Trinh (“Jayde”) as Dk. No. 1547; and Greyson Law Center, PC (“Greyson”) as Dk. No. 1546. On September 9, 2024, Han, Jayde, and Greyson each filed Notices of Appeal and Statements of Election to Bankruptcy Appellate Panel (“Admin Claim Appeals”). On September 7, 2024, the Trustee filed his Statements of Election to Proceed in U.S. District Court for all three Admin Claim Appeals. Currently, the Admin Claim Appeals are assigned the following case numbers: *Han Trinh v. Richard A. Marshack, Chapter 11 Trustee*: 8:24-cv-02077-FMO (“Han Appeal”); *Phuong Jayde Trinh v. Richard A. Marshack, Chapter 11 Trustee*: 8:24-cv-02243-FMO (“Jayde Appeal”); and *Greyson Law Center, PC v. Richard A. Marshack, Chapter 11 Trustee*: 8:24-cv-02074-FMO (“Greyson Appeal”).

ii. Administrative Claim Payments

On September 18, 2024, the Trustee made payments to the following administrative expense claimants:

- 14 administrative claimants with whom the Trustee previously entered into stipulations that have been approved by the court (Name, Dk. No.): (1) ADP, 665; (2) Wells Marble and Hurst, PLLC, 679; (3) SDCO Tustin Executive Center, Inc., 686; (4) Melina Beltran, 693; (5) Kimberly Torres, 694; (6) Melissa Wilkes, 695, amended by 727; (7) R. Reed Pruyn, 698; (8) Jorge E. Sanchez, 700; (9) Jaslynn Sanchez, 701; (10) Amy Ginsburg, et al, 706; (11) Randall Baldwin Clark, Attorney at Law, PLLC, 707; (12) Sharp Electronics Corporation, 729; (13) Israel Orozco, 862; (14) Jennifer McLaughlin, 1363.
- Two administrative claimants whose motions the Trustee did not oppose: David Orr, Esq., (Dk. No. 697) in the amount of \$31,068.45 and Peter Schneider (Dk. No. 702) in the amount of \$67,252.77.
- Two administrative claimants who did not file motions because the Court already authorized and allowed such amounts: FTL 500 Corp. in the amount of \$10,000, Dk. No. 825, and River Tree, LLC, in the amount of \$35,843.77, Dk. No. 522.

In all, the Trustee made 18 payments totaling of \$790,106.32 to the allowed administrative expense claimants. The Trustee has made other payments to retained professionals on account of their interim fees as allowed and approved by the Court.

Currently, there are three administrative expense motions that remain pending to which the Trustee's response has been extended. The motions are set for hearings on December 5, 2024, and Trustee's responses are due November 21, 2024. Trustee's position on the remaining three administrative expense has remained unchanged since the filing of the August 15, 2024, status report:

United Partnership, Dk. No. 671: United Partnerships ("UP") seeks \$178,665.70 for providing leads and customer retention services to Debtor. The Trustee has concluded that he must oppose the motion because UP has not yet been able to provide any evidence that its claim arose from a post-petition transaction *with the Debtor* that directly and substantially benefitted the estate.

1 The Trustee has agreed to continue the hearing on the Motion and modify the briefing schedule to
2 provide UP with additional time to investigate and provide proof in support of its claim.

3 Herret Credit Consultants, Dk. No. 708: Herret Credit Consultants (“Herret”) seeks
4 \$450,000.00 for post-petition services allegedly managing 65,000 consumer clients and a myriad of
5 LPG affiliate firms. The Trustee has concluded that he must oppose the motion because UP has not
6 yet been able to provide any evidence that its claim arose from a post-petition transaction *with the*
7 *Debtor* (and not non-Debtor entities that received fraudulent transfers of the Debtor’s assets) that
8 directly and substantially benefitted the estate. The Trustee has agreed to continue the hearing on the
9 Motion and modify the briefing schedule on the Motion to allow Herret time to complete its
10 investigation and attempt to meet its burden of proof.

11 Alteryx, Dk. No. 750: Alteryx seeks \$703,089.94 based on a March 2022 sublease
12 agreement between Alteryx and Innovative Solutions, Inc. (“Innovative”) for property located at
13 3345 Michelson Drive, Suites 400 and 490, and 3347 Michelson Drive, Suite 400 in Irvine, CA
14 (“Alteryx Property”). The Debtor was not a party to the sublease and did not receive any benefit in
15 return for providing (1) a guaranty and (2) an irrevocable letter of credit (“LOC”) in the amount of
16 \$409,206.31 to Alteryx as part of Innovative’s sublease. The Trustee prepared an adversary
17 proceeding against Alteryx (“Alteryx Adversary”) which would seek avoidance and recovery of
18 fraudulent transfers including the cancellation of LPG’s guaranty, its pledge of cash in support of the
19 LOC which Alteryx has completely exhausted, and over \$1 million of payments made on account of
20 obligations under the sublease. After preparation of the Alteryx Adversary, because the stated
21 amount in controversy exceeds \$1,000,000, pursuant to Section 2.10(c)(i) of the Liquidation Trust
22 Agreement included in the Plan, the Trustee obtained consent of the Post-Confirmation Committee²
23 to make a counteroffer to Alteryx which was accepted. The Trustee is in the process of documenting
24 the proposed agreement.

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28 ² Post-Confirmation Committee is defined in Section 2.10(a) of the Liquidation Trust Agreement as
the oversight board formed on the Effective Date after the Official Committee of Unsecured
Creditors is dissolved.

1 **iii. Improperly Designated Administrative Claims**

2 The Trustee identified 70 parties that filed proofs of claim marking the box stating it was an
3 administrative claim entitled to administrative priority status under 11 U.S.C. §503(b)(9) or as a
4 broader administrative claim under 11 U.S.C. §503(b). After a thorough review of these proofs of
5 claim and the evidence attached to them, the Trustee determined that these proofs of claims were not
6 entitled to administrative priority. On September 24, 2024, the Trustee filed an Omnibus Objection
7 to Proofs of Claim Filed for Alleged Administrative Claims as Dk. No. 1747 (“Omnibus Objection
8 to Alleged Admin Claims”). The total amount of the Omnibus Objection to Alleged Admin Claims
9 is at least \$849,841.16.³ The hearing on the Omnibus Objection to Alleged Admin Claims is set on
10 November 14, 2024 (Dk. No. 1747).

11 **b. Trustee’s Filed Objections to Claims**

12 The Trustee has been investigating and verifying proofs of claims that have been filed with
13 the bankruptcy court and with the Court-approved claims agent, Omni Agent Solutions (“Omni”)
14 and filing appropriate objections. In addition to filing the Omnibus Objection to Alleged Admin
15 Claims (*supra*), the Trustee filed the following objections.

16 On September 13, 2024, the Trustee filed Objection to Unified Global Research Group, Inc’s
17 (“Unified”) Proof of Claim No. 23 in the amount of \$6,155,125.60 as Dk. No. 1686 (“Unified
18 Objection”). Currently, the hearing on the Unified Objection is set on November 26, 2024.

19 On September 19, 2024, the Trustee filed Omnibus Objection to Proofs of Claim filed by
20 (I) Phuong “Jayde” Trinh; (II) Sheri Chen; (III) Justin Nguyen; (IV) Han Trinh; (V) Israel Orozco;
21 (VI) Scott Eadie; (VII) Kevin Kurka; and (VIII) Azevedo Solutions Group, Inc as Dk. No. 1707
22 (“Insiders Objection”). The amounts of claims in the Insiders Objection are as follows:

- 23
- Phuong “Jayde” Trinh: \$14,423.08 (Proof of Claim No. 75)
 - 24 • Sheri Chen: \$12,083.19 (Proof of Claim No. 77)
 - 25 • Justin Nguyen: \$23,884.20, including priority claim of \$15,150.00 for unpaid wages
 - 26 (Proof of Claim No. 78)

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28 ³ Some of the proofs of claim did not properly indicate the amount of the administrative claim and are therefore not included in this total.

- Han Trinh: \$24,310.23 (Proof of Claim No. 79)
- Israel Orozco: \$53,729.31, including priority claim of \$24,310.23 for unpaid wages (Proof of Claim No. 104)
- Scott Eadie: \$31,249.99 (Proof of Claim No. 193)
- Kevin Kurka: \$575,000.00, including priority claim of \$15,150.00 for unpaid wages (Proof of Claim No. 101651)
- Azevedo Solutions Group, Inc.: \$475,200.00 (Proof of Claim No. 100232)

Currently, the Insiders Objection is partially granted as to the claims filed by Sheri Chen and Justin Nguyen as per Court order entered on October 16, 2024, as Dk. No. 1827. The hearing on the remaining six claims listed in the Insiders Objection is set for October 24, 2024, and November 13, 2024.

On September 20, 2024, the Trustee filed Omnibus Objection to Alleged 11 U.S.C. §507(A)(4) Priority Claims that Exceed Statutory Cap naming six claimants whose proofs of claims exceeded the statutory cap pursuant to §507(A)(4) (“Stat Cap Objection I”) as Dk. No. 1715. The hearing on Stat Cap Objection I is currently set on November 14, 2024. On October 18, 2024, the Court approved Trustee’s stipulation with Jennifer Ann McLaughlin (“McLaughlin”), one of the claimants named in Stat Cap Objection I. The order, entered as Dk. No. 1843, caps the McLaughlin priority portion at \$15,150 and reclassified \$3,764.77 as an unsecured claim and vacated the November 14, 2024, hearing as to McLaughlin only.

On September 20, 2024, the Trustee filed Omnibus Objection to Alleged 11 U.S.C. §507(A)(4) Priority Wage Benefit Claims filed by Non-Employees (“Non-Employee Wage Objection”) as Dk. No. 1717. The hearing on Non-Employee Wage Objection is set on November 14, 2024.

On September 20, 2024, the Trustee filed Objection to the Claims Filed by Olga Lucia Esquivel (“Esquivel Objection”) as Dk. No. 1719 which proposes disallowing 14 claims totaling \$170,895.95 filed by Olga Esquivel. The hearing on Esquivel Objection is set on November 14, 2024.

On September 20, 2024, the Trustee filed Omnibus Objection to Duplicative Priority Proofs of Claims (“Duplicative Claims Objection”) as Dk. No. 1728. The hearing on Duplicative Claims Objection is set on November 14, 2024.

On October 3, 2024, the Trustee filed Objection to Priority Claim No. C 571-101407 filed by Alexandria Marie Campos for Exceeding the Statutory Cap (“Stat Cap Objection II”) as Dk. No. 1783. The hearing on Stat Cap Objection II is set on December 5, 2024.

On October 3, 2024, the Trustee filed Objection to Alleged Priority Claim No. 2410-1 Filed by Alexis Johnson That Exceeds the Statutory Cap (“Stat Cap Objection III”) as Dk. No. 1784. The hearing on Stat Cap Objection III is set on December 5, 2024.

On October 3, 2024, the Trustee filed Omnibus Objection to Alleged Priority Claims that Lack Evidence Supporting Priority Status (“Non-Evidenced Priority Objection”) as Dk. No. 1785. The hearing on Non-Evidenced Priority Objection is set on December 5, 2024.

c. Litigation Targets

Since the August 15, 2024, status report, the Trustee has filed the following additional avoidance complaints.

- Dk. No. 1535; 8:24-ap-01115; Trustee’s complaint against MPowering America, LLC and Matthew Lovelady.
- Dk. No. 1596; 8:24-ap-01120; Trustee’s complaint against Colonna Cohen Law, PLLC.
- Dk. No. 1841; 8:24-ap-01138; Trustee’s complaint against New Vision Debt, LLC.

The Trustee has sent approximately 178 demand letters to additional litigation targets based on Trustee’s investigation of avoidable transfers including fraudulent conveyances, preferences, and unauthorized postpetition transactions. Currently, approximately 125 targets have not yet responded. The Trustee is processing responses to the demand letters and finalizing a list of transferees to be sued. The Trustee anticipates recovering millions of dollars on account of these claims.

In addition, on October 8, 2024, the Court approved a settlement between the Trustee and New Horizon Finance, LLC (“New Horizon”), as Dk. No. 1799. The Trustee initiated adversary Dk. No. 8:24-ap-01017-SC against New Horizon as one of marketing affiliates that engaged in the

solicitation of illegal capping of consumers. Pursuant to the Court's order, New Horizon shall pay the Trustee \$90,000.00 in exchange of release of claims and the Trustee will dismiss the adversary.

d. Status of Trustee's Funds in Administering the Estate

Per the Monthly Operating Report filed on October 23, 2024, as Dk. No. 1849, as of September 30, 2024, the Estate has cash in the amount of \$10,110,057. This amount has been reduced after payment of court-approved fees and costs to retained professionals.

Additional substantial recoveries are expected to be recovered from Morning Law Group pursuant to the Court-approved sale and from litigation recoveries.

e. Status of Secured Creditors and Related Litigation

Current Status of Secured Creditors

OHP / PurchaseCo ("OHP"): On August 28, 2024, the Court approved the settlement agreement between the Trustee and OHP as Dk. No. 1563.

Bridge Funding CAP, LLC d/b/a/ Fundura Capital, MNS Funding, LLC, Azzure Capital LLC, Diverse Capital, LLC, PECC Corp, Proof Positive LLC, MC DVI Fund 1 LLC, MC DVI Fund 2 LLC, Debt Validation Fund II LLC, Venture Partners LLC: These Secured Creditors have all been named as defendants in the adversary 8:24-ap-01011-SC that the Trustee filed on January 26, 2024 ("Secured Creditor Adversary") seeking, *inter alia*, declaratory judgment as to validity of their secured interests. The following is the status of Trustee's resolution with various defendants in the Secured Creditor Adversary since the August 15, 2024, status report:

- The Trustee filed Summary Judgment Motions against Bridge Funding; Azzure Capital; Diverse Capital, and PECC.
 - On August 27, 2024, the Court granted summary judgment in favor of the Trustee and against Bridge Funding as Secured Creditor Adversary Dk. No. 150. On September 20, 2024, Bridge Funding filed an appeal of the denial of summary judgment, currently known as case number 8:24-cv-02043-FMO.
 - The Trustee has agreed to participate in mediation with Azzure Capital. In the meantime, Azzure Capital has agreed to release its \$5 million lien from money that was to be paid upon effective date and to obtain a replacement lien

on other assets of the estate including litigation proceeds. The hearing on the Summary Judgment Motion against Azzure Capital is continued to November 13, 2024, at 11:00 a.m per Secured Creditor Adversary Dk. No. 147.

- The Trustee negotiated a settlement with Diverse Capital (“Diverse”). On September 3, 2024, the Court approved the settlement between the Trustee and Diverse as Dk. No. 1609. On September 19, 2024, the Trustee dismissed Diverse from the Secured Creditor Adversary as adversary Dk. No. 158.
- On August 15, 2024, the Court granted summary judgment in favor of the Trustee and against PECC as Secured Creditor Adversary Dk. No. 144.

- MNS Funding: On September 3, 2024, the Court approved the settlement between the Trustee and MNS Funding as Dk. No. 1610.

f. Trustee’s Original Adversary Proceeding:

Marshack v. Diab et al (Dk. No. 93; 8:23-ap-01046-SC).⁴ The Trustee’s complaint against Tony Diab, Daniel S. March, Rosa Bianca Loli, and approximately 45 other defendants is the largest adversary currently pending in this bankruptcy case.

On October 9, 2024, the Trustee filed Motion for leave to file the Fifth Amended Complaint as 1046 Adv. Dk. No. 632. The Fifth Amended Complaint will encompass new claims learned during Trustee’s investigation and discovery into the defendants’ wrongful conduct against the Estate. Postconfirmation, the Trustee has served additional subpoenas on Visa, Inc., American Express National Bank, and Umpqua Holdings Corporation, D.B.A. Umpqua Bank. The Trustee has been receiving documents from banking institutions subpoenaed pre- and post-confirmation and has been analyzing them to aid in the *Marshack v. Diab* adversary.

2. Schedule Of Payments

In addition to payment of administrative claims outlined above which became due on the Effective Date, the Trustee has made payments outlined in the attached Schedule of Payments to Professionals.

⁴ The docket entries for this adversary are referred to as 1046 Adv. Dk. No. 93 of the main case.

On October 1, 2024, the Court entered an Omnibus Order Granting Applications for Compensation and Reimbursement of Expenses as Dk. No. 1778 (“Omnibus Payment Order”). These included applications by the Trustee and the professionals employed by the Trustee. These payments have or will be made according to the Omnibus Payment Order and approved stipulations entered into by the Trustee. The next post-confirmation status report due in 120 days will include a schedule of payments made according to the Omnibus Payment Order.

On October 22, 2024, as Dk. No. 1847, the Court denied in its entirety the application for payment of Interim Fees in the amount of \$82,500 filed by Khang & Khang LLP, Debtor’s former counsel. The Court approved \$1,857.30 to be paid to Khang & Khang LLP for Interim Expenses only.

3. Schedule of any and all Post-Confirmation Tax Liabilities

There have been no postconfirmation tax liabilities that have accrued or come due post-confirmation. The next post-confirmation status report will be due in 120 days, at which point the Trustee will have a more comprehensive tax liability schedule to report to the Court.

4. Projections to the Trustee’s Ability to Comply With the Terms of the Plan

The Trustee has not encountered any difficulties in complying with the terms of the Plan and has been pursuing the exact course of action outlined in the August 15, 2024, status report, and the Court’s confirmation order. At this point, the Trustee does not project any upcoming difficulties in complying with the terms of the Plan.

5. Estimate of the Date for Plan Consummation and Application for Final Decree

The Trustee anticipates that the Plan will be substantially consummated upon the transfer of the remaining assets from the bankruptcy estate to the liquidating trust. The Trustee will file an application for final decree once the Estate has been fully administered.

6. Conclusion

As outlined in this Status Report, the Trustee believes that significant progress has been made toward substantial consummation. The Trustee’s active pursuit of litigation has already resulted in recovering substantial amounts; these recoveries are anticipated to substantially increase as the Trustee files more avoidance complaints on what is expected to be more than 150 transferees.

1 The Trustee projects that recoveries for the benefit of allowed creditors will align with the
2 projections set forth in the Plan.

3
4 DATED: October 23, 2024

MARSHACK HAYS WOOD LLP

5 By: /s/ D. Edward Hays

6 D. EDWARD HAYS

AARON E. DE LEEST

7 ALINA MAMLYUK

8 General Counsel for Richard A.

Marshack, Trustee for the

9 Chapter 11 Bankruptcy Estate of

10 the Litigation Practice Group and

the LPG Liquidation Trust

EXHIBIT 1

1 of 1

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
870 Roosevelt, Irvine, CA 92620.

A true and correct copy of the foregoing document entitled: **CHAPTER 11 TRUSTEE'S POSTCONFIRMATION STATUS REPORT** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **October 23, 2024**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL: On **October 23, 2024**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

DEBTOR – MAIL REDIRECTED TO TRUSTEE

THE LITIGATION PRACTICE GROUP P.C.
17542 17TH ST
SUITE 100
TUSTIN, CA 92780-1984

☒ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL: Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **October 23, 2024**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

VIA PERSONAL DELIVERY:

PRESIDING JUDGE'S COPY

HONORABLE SCOTT C. CLARKSON
UNITED STATES BANKRUPTCY COURT
411 WEST FOURTH STREET, SUITE 5130 / COURTROOM 5C
SANTA ANA, CA 92701-4593

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

October 23, 2024
Date

Cynthia Bastida
Printed Name

/s/ Cynthia Bastida
Signature

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** CONTINUED:

- **INTERESTED PARTY COURTESY NEF:** Kyra E Andrassy kandrassy@raineslaw.com, bclark@raineslaw.com;jfisher@raineslaw.com
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